

CHAPTER 1362

Stormwater Erosion and Sediment Control

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CROSS REFERENCES

Stormwater management - see BLDG. Ch. 1361

Illicit discharge and illegal connection control - see BLDG. Ch. 1365

1362.01 AUTHORITY AND TITLE.

This Chapter has been developed under authority of Article XVIII, Section 3 of the Ohio Constitution.

The official title of these rules shall be known as the "City of Mansfield, Ohio Stormwater Erosion and Sediment Control Rules and Regulations." However, simply "Stormwater Erosion and Sediment Control Rule and Regulations" may be used as a short title.
(Ord. 22-046. Passed 3-15-22.)

1362.02 PURPOSE.

Council has adopted this chapter for the purpose of establishing feasible and economically reasonable standards to achieve a level of conservation practices which will abate erosion of the soil and abate the degradation of the waters of the State by soil sediment in conjunction with nonfarm, earth-disturbing activities.

(Ord. 22-046. Passed 3-15-22.)

1362.03 DIRECTION.

No person shall cause or allow earth-disturbing activities on a development area except in compliance with the criteria established by the regulations contained in this chapter.

(Ord. 22-046. Passed 3-15-22.)

1362.04 EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION.

(a) When a proposed development involves one (1) acre or more of earth-disturbing activities and performed on land used or land being developed for commercial industrial, residential, recreational, public service or other nonfarm purposes which are within the jurisdiction of the City, the owner of record shall develop and submit to the Bureau of Buildings Inspections, Licenses and Permits a Storm Water Pollution Prevention Plan.

For development involving less than one (1) acre of earth-disturbing activities, but is part of the larger common plan of developing or sale that will ultimately disturb one (1) or more acres of land, the owner of record shall develop and submit to the Bureau of Buildings, Inspections, Licenses and Permits a Storm Water Pollution Prevention Plan.

The erosion and sediment controls and the Storm Water Pollution Prevention Plan including all construction activities shall at a minimum meet the technical requirements set forth in the Ohio Environmental Protection Agency NPDES General Stormwater Permit(s) for construction activities and any subsequent Ohio Environmental Protection agency issued permits.

No earth-disturbing activities shall commence prior to the Storm Water Pollution Prevention Plan being filed, reviewed and approved by the City Engineer.

(b) In the event that any person has disturbed less than one (1) acre of earth and such disturbances are creating a nuisance to abutting properties and/or entering the City's infrastructure or public right-of-way, the City reserves the right to require erosion and sediment controls to be established in accordance with Chapter 1362 of the City of Mansfield Codified Ordinances and enforcement per Section 1362.06.

(Ord. 22-046. Passed 3-15-22.)

1362.05 NOTIFICATION.

The Office of the City Engineer shall be notified two (2) working days prior to commencement of earth-disturbing activities. The Office of the City Engineer shall also be notified upon project completion.

(Ord. 22-046. Passed 3-15-22.)

1362.06 ENFORCEMENT.

(a) If the City of Mansfield and/or its duly authorized representative determines that a violation of the rules adopted under this code exist, the City of Mansfield and/or representative may issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity.

(b) All development areas may be subject to external inspections by the City Engineer and/or designee to ensure compliance with the approved Stormwater Pollution Prevention Plan.

(c) After each external inspection, the City Engineer and/or designee shall prepare and distribute a status report to the applicant.

(d) If an external inspection determines that operations are being conducted in violation of the approved Stormwater Pollution Prevention Plan, the City Engineer and/or designee may take action as detailed in Section 1362.07 of this Chapter.

(e) Failure to install, maintain, and repair erosion and sediment controls per the approved Stormwater Pollution Prevention Plan may result in the following escalation:

- (1) First Violation. The City Engineer and or/designee will issue a Notice of Deficiency to the owner or operator. All controls are to be repaired or maintain per the Stormwater Pollution Prevention Plan within three (3) days of the notification. If controls have not been corrected after this time, the City Engineer and/or designee may issue a Stop Work Order for all activities until corrections have been made.
- (2) Second Violation. The City Engineer and/or designee may issue a formal Notice of Violation. All controls are to be repaired or maintained per the approved Stormwater Pollution Prevention Plan with three (3) days of the Notice of Violation. If controls have not been corrected after this time, the City Engineer and/or designee may issue a Stop Work Order for all activities until corrections have been made.
- (3) Third and Subsequent Violations. The City Engineer may issue a Stop Work Order for all construction activities. The Stop Work Order will be lifted once all controls are in compliance with the approved Stormwater Pollution Prevention Plan.

(f) The City Engineer and/or designee shall have the final authority to make immediate on-site adjustments to the Stormwater Pollution Prevention Plan. In order to achieve compliance with this ordinance.

(g) A final inspection will be made to determine if the criteria of this code has been satisfied and a report will be presented to the City of Mansfield on the site's compliance status.

(h) The City Engineer and/or designee will monitor soil-disturbing activities for nonfarm residential, commercial, industrial, or other nonfarm purposes on land of less than one (1) contiguous acre to ensure compliance required by these Rules.

(Ord. 22-046. Passed 3-15-22.)

1362.07 VIOLATIONS.

(a) No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

(b) Upon notice, the City Engineer and/or designee may suspend any active soil disturbing activity for a period not to exceed ninety (90) days, and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the applicant, and shall state the conditions under which work may be resumed. In instances, however, where the City Engineer and/or designee finds that immediate action is necessary for the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice.

(c) Notice of Violation. Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the City may order compliance by written notice of violation to the owner and/or occupant. Such notice may require without limitation:

(1) Specific details about the violation;

(2) That violating discharges, practices, or operations shall cease and desist;

(3) Specific details about the elimination of illicit connections or discharges;

(4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(5) The timeframe within which the violator must cure any deficiencies;

(6) In addition to any other monetary penalties set forth in these regulations, the owner and/or occupant shall reimburse the City for the time expended by its representatives and the City shall further be reimbursed any remediation costs via an administrative fee and costs passed through to the owner;

(7) The implementation of source control or treatment Sediment Control Measures; and,

(8) The performance of monitoring, analyses, and reporting required.

(d) Abatement. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be completed by a designated governmental agency or a contractor of the City's choosing and the expense thereof, including actual City representatives' time, shall be charged to the violator.

(Ord. 22-046. Passed 3-15-22.)

1362.08 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City of Mansfield in relation to this regulation may appeal to the City Planning Commission or Court of Common Pleas. Written notice of appeal shall be served on the City of Mansfield. (Ord. 22-046. Passed 3-15-22.)

1362.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a minor misdemeanor. Whoever violates this chapter or fails to comply with any of its requirements shall be fined not more than One Hundred Dollars (\$100.00) for each offense. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 22-046. Passed 3-15-22.)